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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,390	08/02/2001	Jeffrey Yu	021106-000210US	7476
20350	7590	10/18/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			PASS, NATALIE	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/922,390	Applicant(s) YU, JEFFREY	
	Examiner Natalie A. Pass	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>22 July 2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 2 August 2001. The IDS statement filed 22 July 2002 has been entered and considered. Claims 1-23 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2, 6-9, 11-12, 14-16, 18-19, 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis et al., U.S. Patent Application Publication Number 2001/0041992.

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(A) As per claim 1, Lewis teaches a method of generating a patient report, comprising:

presenting an operator with an on screen menu of standardized types of reports (Lewis; Figure 4A, paragraphs [0049]-[0050], [0053], [0061]);

having the operator select a standardized type of report from the on screen menu of standardized types of reports (Lewis; Figure 4A, paragraphs [0049]-[0050], [0053], [0061]);

presenting the operator with an on screen organ list corresponding to the selected standardized type of report (Lewis; Figure 4A Item 404, paragraphs [0033], [0059], [0064]);

for each organ, presenting the operator with a menu of standard medical descriptions corresponding to the organ (Lewis; Figure 4A, Figure 5A, Figure 5B, paragraphs [0009]-[0010], [0050], [0086]);

having the operator determine a medical description corresponding to each organ (Lewis; Figure 5B, Figure 5C, paragraphs [0007]-[0010], [0050], [0085]- [0086]); and

outputting a “treatment plan” (reads on “patient report”) describing the medical description of each organ (Lewis; Figure 4H, Item 486, paragraphs [0050], [0053], [0068], [107], [116]).

(B) As per claims 2, 6-8, 11-12, Lewis teaches a method as analyzed and described in claim 1 above

wherein having the operator determine a medical description corresponding to each organ comprises: having the operator select one of the standard medical descriptions presented for at least one of the organs (Lewis; paragraphs [0007]-[0010], [0048]-[0050], [0085]- [0086]);

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wherein outputting a “treatment plan” (reads on “patient report”) comprises outputting a medical description corresponding to each organ (Lewis; Figure 4H, Item 486, paragraphs [0050], [0053], [0068], [107], [116]);

wherein having the operator select a standardized type of report comprises having the operator select a standard type of radiology report (Lewis; paragraphs [0049], [0061], [0116]);

wherein the operator selects a standardized type of report from a “point and click” or pop-up menu (Lewis; Figure 4H, Item 486, Figure 4I, Item 496, paragraphs [0110]-[0111]);

wherein outputting a patient report comprises: displaying the “treatment plan” (reads on “patient report”) on a computer screen (Lewis; paragraph [0050]); and

wherein the on screen organ list corresponding to a selected standardized type of report is presented in its entirety on a single computer screen (Lewis; Figure 4H).

(C) As per claim 9, Lewis teaches a method as analyzed and described in claims 1 and 2 above

wherein having the operator select one of the standard medical descriptions for at least one organ comprises having the operator select a standard medical description corresponding from a pop-up menu (Lewis; Figure 4H, Item 486, Figure 4I, Item 496, paragraphs [0032]-[0033], [0048]-[0050], [0110]-[0111]).

(D) Claim 14 differs from method claim 1, in that it is a system rather than a method for generating a patient report.

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System claims 14-15, 16, 18, 19 repeat the subject matter of claims 1-2, 9, 8, 12 respectively, as a set of elements rather than a series of steps. As the underlying processes of claims 1-2, 9, 8, 12 have been shown to be fully disclosed by the teachings of Lewis in the above rejection of claims 1-2, 9, 8, 12, it is readily apparent that the system disclosed by Lewis includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 1-2, 9, 8, 12, and incorporated herein.

(E) Claim 21 differs from method claim 1 by reciting a “computer user interface for generating a patient report...” in the preamble. As per this limitation, Lewis’s system is inherently implemented on a computer, as it is directed to a computer-based system for accessing healthcare information (Lewis; paragraph [0012]) and contains use of a Web browser that displays Web pages that are generated by the anatomic user interface (Lewis; paragraph [0038]). As such, Lewis implicitly includes computer elements such as a computer user interface. The remainder of claim 21 repeats the limitations of claim 1, and is therefore rejected for the same reasons given above for claim 1.

(F) As per claims 22-23, Lewis teaches a method and system as analyzed and described in claims 1 and 14 above

wherein the organ list corresponding to the selected standardized type of report comprises a subset of an organ list corresponding to all of the standardized types of reports provided in the on screen menu of standardized types of reports (Lewis; Figure 4A Item 404, paragraphs [0033], [0059], [0060], [0064]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5, 10, 13, 17, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al., U.S. Patent Application Publication Number 2001/0041992 as applied to claims 1 and 14 above, and further in view of Vining et al., U.S. Patent Number 6, 819, 785.

(A) As per claim 3, Lewis teaches a method as analyzed and discussed in claim 1 above.

Lewis fails to explicitly disclose

wherein having the operator determine a medical description corresponding to each organ comprises: having the operator compose a medical description for at least one of the organs.

However, the above features are well-known in the art, as evidenced by Vining.

In particular, Vining teaches a method

wherein having the operator determine a medical description corresponding to each organ comprises: having the operator compose a medical description for at least one of the organs (Vining; column 9, lines 34-64, column 10, lines 8-16).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Lewis to include these limitations, as taught by Vining, with

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the motivations of providing a reporting system which offers a standardized report format, enables consistency among reports, accounts for effective information flow, provides for quick turnaround of information to the end-user, and supports data mining for public health statistics and yet enables the final report presentation to be further customized to satisfy the needs of the clinician (Vining; column 1, line 62 to column 2, line 1, column 2, lines 44-46).

(B) As per claims 4-5, Lewis and Vining a method as analyzed and discussed in claims 1 and 3 above

wherein having the operator compose a medical description comprises editing a standard medical description (Vining; column 4, lines 30-31, column 6, lines 31-41, 64-67);

wherein having the operator compose a medical description comprises “annotating” (reads on “adding additional comments”) to a standard medical description (Vining; column 7, lines 24-29).

The motivations for combining the respective teachings of Lewis and Vining are as given in the rejection of claim 3 above, and incorporated herein.

(C) As per claims 10, 13, 20, Lewis teaches a method and system as analyzed and discussed in claims 1 and 14 above.

Lewis fails to explicitly disclose

wherein outputting a patient report comprises: printing out the patient report; and generating a billing report based upon the type of report selected by the operator; and

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generating a billing report corresponding to the organ list presented to the operator, wherein a billing entry is made for each organ selected on the list.

However, the above features are well-known in the art, as evidenced by Vining.

In particular, Vining teaches a method

wherein outputting a patient report comprises: printing out the patient report (Vining; column 1, lines 24-26); and

generating a billing report based upon the type of report selected by the operator (Vining; Abstract, column 2, lines 11-16); and

generating a billing report corresponding to the organ list presented to the operator, wherein a billing entry is made for each organ selected on the list (Vining; Abstract, column 2, lines 11-16, column 19, lines 25-26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Lewis to include these limitations, as taught by Vining, with the motivations of providing a reporting system that provides for quick turnaround of information to the end-user and of expediting hospital billing and collections (Vining; column 1, line 62 to column 2, line 1, column 2, lines 15-16).

(D) Claim 17 differs from method claim 3, in that it is a system rather than a method for generating a patient report.

System claim 17 repeats the subject matter of claim 3 respectively, as a set of elements rather than a series of steps. As the underlying processes of claim 3 have been shown to be fully disclosed by the collective teachings of Lewis and Vining in the above rejection of claim 3, it is

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readily apparent that the system disclosed collectively by Lewis and Vining includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claim 3, and incorporated herein.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references Umen et al., U.S. Patent Number 5, 734, 883, Slivka et al., U.S. Patent Number 6, 061, 695, Soble, U.S. Patent Number 5, 911, 133, Bergeron, et al., U.S. Patent Number 5, 051, 924, Ross, Jr. et al., U.S. Patent Number 5, 823, 948, Shepard., U.S. Patent Number 5, 704, 371, Hou et al., U.S. Patent Number 5, 838, 313, Smith et al., U.S. Patent Number 5, 970, 499, Koritzinsky et al., U.S. Patent Application Publication Number 2001/0018659, Roberge et al., U.S. Patent Application Publication Number 2002/0072896, and Melrose, U.S. Patent Number 6, 272, 468 teach the environment of generating and editing medical reports.

7. Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington D.C. 20231**

or faxed to: **(571) 273-8300.**

For informal or draft communications, please label "PROPOSED" or "DRAFT" on the front page of the communication and do NOT sign the communication. After Final communications should be labeled "Box AF."

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (571) 272-6774. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

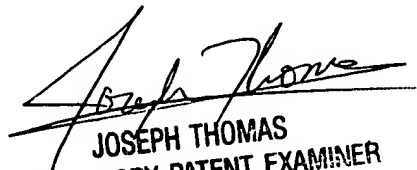
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (571) 272-3600.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NP

Natalie A. Pass

September 28, 2005

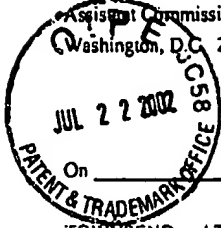

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT
Attorney Docket No.: 021106-000210US

#5
2/18/02
8-01-02

Assistant Commissioner for Patents
Washington, D.C. 20231



On

07/11/02

TOWNSEND and TOWNSEND and CREW LLP

By:

Brad J. Loos

Brad J. Loos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JEFFREY YU

Application No.: 09/922,390

Filed: August 2, 2001

For: SYSTEMS FOR GENERATING
RADIOLOGY REPORTS

Examiner: Unassigned

Art Unit: 2166

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

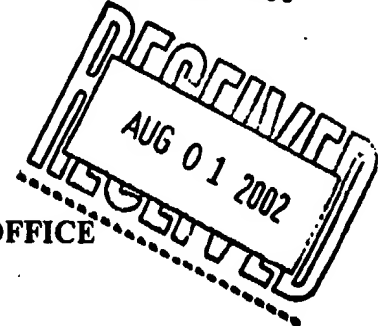
The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

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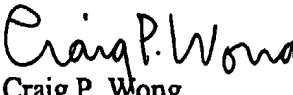
JUL 29 2002

GROUP 3600

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,


Craig P. Wong
Reg. No. 45,231

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